



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,439	06/26/2001	Mark Landesmann	084561-0108	9934

22428 7590 12/11/2003

FOLEY AND LARDNER
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER

LE, KHANH H

ART UNIT	PAPER NUMBER
----------	--------------

3622

DATE MAILED: 12/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/888,439

Applicant(s)

LANDESMANN, MARK

Examiner

Khanh H. Le

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-13, 47-49, 51-52, 64-65, 68, 94, 100-103, 137-139, 141-142, 154-155, 18, 204, 206 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-13, 47-49, 51-52, 64-65, 68, 94, 100-103, 137-139, 141-142, 154-155, 18, 204, 206 is/are rejected
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Art Unit: 3622

Detailed Action

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 14, 2003 has been entered.

Claims 1-21, 27-35, 39-70, 74-75, 94- 111, 117-125, 129-160, 164-165, 194-205 were being examined.


After cancellation of a number of claims the remaining claims are 1, 10-13, 47-49, 51-52, 64-65, 68, 94, 100-103, 137-139, 141-142, 154-155, 18, 204, 206.

The independent claims are 1, 94, 204, and 206 with 94 and 204 paralleling claim 1 in system and program formats. The dependent claims are 10-13, 47-49, 51-52, 64-65, 68, with corresponding claims 100-103, 137-139, 141-142, 154-155, 158. Claim 206 is new.

Objections to Specifications

2. Withdrawn.

Remarks

3. Applicant's remarks and the 5 previously submitted affidavits have been carefully considered. However, due to the extensive amendments, the previous art rejections are withdrawn, new art has been applied therefore Applicant's remarks and the arguments in the affidavits are largely inapplicable.
- 

Please note that the combination of Goldhaber/Weinblatt/Day disclose all of the following argued features:

1. a transfer of transaction records or information derived from transaction records (herein after the "Proofs of purchases" or POP's) into the system from outside the system (Element #1.):
2. the information comes directly from the buyer entity (element #2)
3. the information comprises "third party purchase records " ("element #3")
4. the incentive that is being offered promotes the product of a third party with a distinct business activity. ("element #4"): the "merchants" in GOLDHABER/Day are different from the POP merchants.
5. the buyer entity, which is the provider of the above mentioned transaction records, must be provided with at least one from a plurality of necessarily "contingent preferential" incentives... ("element #5): see at least Day's abstract.
6. the incentive for the advertiser's product or service is offered to the buyer entity, "without transferring to said third party advertiser directly or indirectly any full name associated with said buyer entity at the time that the incentive is offered but has not yet been responded to by said buyer entity." ("element #6"): Goldhaber 's privacy concerns.

35 USC § 112 second paragraph

4. The previous rejection of Claim 1 is withdrawn in view of the amendments and Applicant's arguments at p. 15.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 1, 94, all their dependents (claims 10-13, 47-49, 51-52, 64-65, 68, 100-103, 137-139, 141-142, 154-155, 158) and claim 206 are rejected under 35 U.S.C. 101 because the claimed inventions are directed to non-statutory subject matter.

The fundamental test for patent eligibility is to determine whether the claimed invention produces a “useful, concrete and tangible result.” Here, as to independent claims 1 and 94, there is no tangible result: there is only simply a mathematical construct claimed, such as a disembodied data structure (purchase histories) and methods of processing it. The claims involve no more than a manipulation of an abstract idea and therefore, is nonstatutory under 35 U.S.C. § 101. The independent claim need to be amended so that the abstract idea of a data structure become capable of producing a useful result when it was fixed in a tangible medium which enabled its functionality to be realized. See *In re Warmerdam*, 33 F.3d 1354, 31 USPQ2d 1754 (Fed. Cir. 1994).

Further, claims 1, 94 and all their dependents have no connection to the technological arts. (See e.g., *Ex parte Bowman*, 61 USPQ2d 1669 (BdPatApp&Int 2001) which is not cited for precedential value but because the analysis is helpful). None of the steps recited in those claims indicate any connection to a computer. “Storing” of claim 1 could be a card catalog. “Transmitting” in claim can mean conveying from one person or place to another, according to

Art Unit: 3622

Merriam-Webster On-line, <http://merriamwebster.com/cgi-bin/dictionary>. All the steps in claims can be done manually or by purely mental processes.

To overcome this rejection, the Examiner recommends the Applicant amends the claims to better clarify that the method steps are being performed within the technological arts, such as incorporating the computer network system in at least 2 steps of the body of the independent claims.

Please note the system and program product claims are rejected under this section because the preamble is not usually accorded patentable weight.

Claims Rejections. 35 USC 103

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. **Claims 1, 10-13, 47-49, 51-52, 64, 94, 100-103, 137-139, 141-142, 154, and 204, are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldhaber, US 5855008, hereinafter Goldhaber, in view of Weinblatt, US 5515270, hereinafter Weinblatt, and further in view of Day, US 6484146, hereinafter Day.**

Goldhaber discloses:

A consumer driven system (i.e. consumer owns the profiles : col 14 l. 56-60; col 6 l. 28-35; consumer shares these profiles as desired: col 8 l. 40-57), via trading houses (see col 19-20) , for the benefit of both consumers and advertisers (col 4 l. 25-31).

The benefit to consumers is to receive competing content/ads customized to their needs/preferences. To advertisers, use of consumer profiles allow reaching more willing customers whose attention has been secured w/ relevant customized ads/offers. GOLDHABER

Art Unit: 3622

further discloses actual purchase histories (or proofs of purchases, hereinafter, “POP’s”) are known to be valuable for advertisers: to this end advertisers have used point of sale tracking (see GOLDHABER ., col 6 l. 28-35), and GOLDHABER .’s invention includes on-line POP’s (col 6 l. 50-65; col 13-20; col 7 l. 31-32).

GOLDHABER discloses user voluntary submission of profiles in exchange of a benefit from plural competing independent providers(col 8 l. 1-18; receipt of targeted information, specialized targeted ads (col 6 l. 28-35; col 8 l. 22-40), payments for viewing ads); complementing the profile by allowing tracking of on-line behavior including on-line transactions (POP’s) (col 6 l. 50-65; col 13-20; col 7 l. 31-32) and tracking of other habits (col 6 l. 50-65) ; interactive user editing/ deletion of transaction records from the profile (col 6 l. 50-65); protection of privacy (col 7 l. 62-67;col 14 l. 137 –39); interacting with presented ads (col. 16 l. 17-20) ; rating of presented ads (col. 13 l. 50-51); matching of consumers to advertisers criteria (col 14 l. 30-46); consumer profiles stored at their PC or in another database of the on-line system (col 14 l. 47-54); only information matched above certain threshold set by the consumer is delivered (col 14 l. 56-62); coupons and discount offers to induce buying (col 3 l. 30-45); internet advantages (col 3 l. 48-55); credit histories as commodities (col 20 l. 38-55).

Thus GOLDHABER discloses

Claim 1:

a) receiving from each of a plurality of buyer entities at least one respective third party purchase record said purchase record comprising data associated with the purchase of products or services wherein the receipt of the third party purchase record occurs on the initiative and with the consent of the buyer entity

(GOLDHABER discloses a consumer driven system

Art Unit: 3622

(i.e. consumer owns the profiles : col 14 l. 56-60) with voluntary submission of profiles in exchange of a benefit (col 8 l. 1-18; receipt of targeted information, targeted ads, payments for viewing ads; trading houses (see col 19-20)); complementing the profile by allowing tracking on-line behavior including on-line transactions (POP's) (col 6 l. 50-65; cols. 13-20; col 8 l 40-53: voluntary sharing of consumption content between private home pages and public pages with password access restrictions) ;

As to the “data associated with the purchase of products or services for which the payment was not carried out by the system “, arguably GOLDHABER does not specify such.

(However GOLDHABER discloses a distributed system with many servers (col 8 l.20-39, especially l. 30-33). therefore the POP's could be interpreted as being not generated by the matching/incentives delivering system. Further, at col 7 l. 31-32, GOLDHABER discloses automatic tracking of the user previous Internet usage to complement her profile, which at least suggest *any* internet usage/transaction, i.e. not limited to the matching/incentives delivering system.

Weinblatt, discloses several data collection methods for marketers who desire to collect actual purchase histories. One is via a bar code reading apparatus, (col 1 l. 56+); another is via in- store computer systems (col 2, l. 13+), a third is via a home unit wherein proofs of purchases (POP's) are scanned by the consumer and the different purchase items categorized and used to trigger rewards (col 4 l. 59+). Weinblatt also discloses that people are interested to directly and voluntarily submit their POP's in exchange for rewards (col 4 l. 59+).

As discussed above, GOLDHABER discloses , through his system, the benefit to consumers is to receive competing content/ads customized to their needs/preferences. To advertisers, use of consumer profiles allow reaching more willing customers whose attention has been secured with relevant customized ads/offers. GOLDHABER further discloses

Art Unit: 3622

“POP’s” are valuable for advertisers who have used point of sale tracking (see GOLDHABER ., col 6 l. 28-35), and GOLDHABER .’s invention includes on-line POP’s (col 6 l. 50-65; col 13-20; col 7 l. 31-32).

It would have been obvious to one of ordinary skill in the art, at invention time, to add WEINBLATT’s teaching of directly submitting POP’s by scanning into a home unit to GOLDHABER’s system of voluntary submission of profiles including POP’s profiles, because the consumer would be interested in obtaining highly competitive offers based on POP’s (a kind of reward or benefit), as taught by GOLDHABER. Further, it would have been obvious to one of ordinary skill in the art at invention time to incorporate the WEINBLATT’s POP’s submission method into GOLDHABER’s system in view of WEINBLATT’s teaching that this is another and less expensive way to collect POP’s which are valuable to marketers (Weinblatt, col 2 l. 13-36).

b) storing information associated with said data (Goldhaber, col 6 l. 50-65; col 8 l. 40-53; cols. 13-20; Fig.7 and associated text);

c) for a plurality of product or service items offered for sale,

... provided by a different third party advertiser in a plurality of third party advertisers (col 8 l. 1-18; receipt of targeted information, specialized targeted ads (Goldhaber col 6 l. 28-35 col 8 l. 22-40), and

offering said buyer entities,
based at least in part on said stored data relating to purchases made by said buyer entity with merchants other than the third party advertiser offering the incentive (see at least col 15 col 19-37: many advertisers; Further, Goldhaber discloses private profiles , including POP’s , owned

Art Unit: 3622

by the consumers , and buyers agents, sellers agents, that do not belong to a central server (col 8 l. 30-34) seeking to match consumer interests with targeted ads therefore it is clear, in the Goldhaber context, that the POP's in the consumer profiles are from purchases not from the advertisers sending the targeted ads).

C2) at least one from among a plurality of **different preferential incentives**, (see at least col 6 l. 28-35; col 8 l. 22-40; col 12 l. 31-36; col 14 l. 65-col 15 l. 6 : personal agents going to look for ads or other information the consumer is interested in) with each incentive associated with at least one of said items and associated with at least one of said third party advertisers (see at least col 6 l. 28-35; col 8 l. 22-40).

C3) As to “ said benefit not normally and publicly accessible to said buyer entity or other buyer entities in the same geographic region on terms which are at least objectively equivalent” GOLDHABER does not directly disclose such.

However, Goldhaber discloses specialized targeted advertisements from each of the plurality of said different third party advertisers,(abstract, col 8 l. 35-40: highly targeted advertising; col. 6l. 28-35; col 8 l. 22-40).

Further Day discloses presenting customized preferential specialized benefits based on actual purchasing behavior information (abstract). Day teaches the desirability of knowing who buys from competitors so to provide competitive offers (col 1 l. 50-55; col 2 l. 13-15; at col 2 l. 12). Day also discloses the desirability of using actual purchasing records, other than at the electronic point of sales, in order to achieve that relevant targeting goal (col. 1 l. 60-col 2 l. 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add Day's teachings of very differentiated customized special offers based on

Art Unit: 3622

actual purchasing behavior information (Day, col 8 l. 1-15) to Goldhaber's teaching of voluntary supplying of POP's to provide very differentiated competitive offers and better induce purchasing based on specific monitored behaviors as taught by Day.

C4) Further, Goldhaber discloses specialized targeted advertisements from each of the plurality of said different third party advertisers,(col. 6l. 28-35; col 8 l. 22-40), but does not directly disclose

“wherein there is at least one different preferential contingent incentive each of said incentives offering at least one benefit in exchange for at least one action associated with a purchase of at least one of said items”

However, coupons are defined in dictionary.com as “A printed form, *as in an advertisement*, to be usedfor obtaining a discount on merchandise” i.e. the benefit is contingent on purchase of the merchandise, thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to add coupons to the delivered specialized targeted ads disclosed by GOLDHABER because coupons entice purchases (GOLDHABER col 3 l. 30-40). Further a coupon usually requires only purchase of the item as the one condition, thus “said benefit do not include material conditions that are different from said at least one action”.

d) facilitating the offering of at least one of said preferential (see at least Goldhaber, Figs. 1, 7, and associated text) incentives to said buyer entity,

d2) without having transferred to said third party advertiser directly or indirectly any full name associated with said buyer entity at the time that said incentive is offered but has not yet been responded to by said buyer entity,(Goldhaber, protection of privacy : col 7 l. 62-67;col 14 l. 137 –39).

d3) GOLDHABER does not specifically disclose
with the condition precedent for this step that said system has received from that buyer entity
said at least one respective third party purchase record

However, it does disclose specialized targeted ads based on profiles which may include POP's. GOLDHABER also discloses advertisers collecting POP's in order to better target their ads (col 6 l. 36-40). Thus it would have been obvious to add to GOLDHABER's voluntary profile submission a condition precedent that at least one POP be received b/c the profile would become more reliable with such additional historical transaction data for targeting as disclosed at col 6 l. 36-40. Goldhaber also discloses consumers desiring the targeted ads (see "interest agents", col 14 l. 65-col 15 l. 5) therefore it would have been obvious to ask them for such condition which they would be likely to submit to in order for the targeting to be improved. Furthermore, Weinblatt discloses a reward conditional on direct submission of the POP's. Thus it would have been obvious to add Weinblatt's teaching of an express condition to GOLDHABER's consumers desire for the benefit of highly targeted ads to benefit both consumers and advertisers as taught by GOLDHABER.

As to claim 10 and 47, Day discloses
obtaining acceptance information on whether one of the buyer entities accepted the incentive;
and storing the acceptance information to the database (monitoring of redemption of offers and
modifying offers based on that (C7 l.66- c8 l 30) . It would have been obvious to one of ordinary
skill in the art at the time the invention was made to add this particular feature of Day to
Goldhaber is to provide better incentives to induce sales in case the consumer refuses the initial
offers as taught by Day at col. 8 l. 6+.

Claim 11. Day further discloses obtaining additional information on whether the buyer
entity made a follow-up purchase or a co-purchase contemporaneous with or after accepting the

Art Unit: 3622

incentive and inputting the additional information to be stored. (monitoring of redemption of offers, and updating of profiles (Col. 14 l. 52-64, Fig 12-14; claims 15, 22). It would have been obvious to one of ordinary skill in the art at the time the invention was made to add this particular feature of Day to Goldhaber is to determine the effect of the special offers on consumer buying behaviors and adjust offers accordingly as taught by Day.

Claim 12. Weinblatt discloses said entering step further comprises the categorization of purchases listed from a plurality of independent third parties in the purchase records based on a set of categories (C4 l. 59-67, col 13 to col 14 l. 20) and the reward being based on purchases in a certain category. Day also implicitly discloses categorization of purchases based on the POP's for targeting purposes (C4 l. 18-31). It would have been obvious to one of ordinary skill in the art at the time the invention was made to add these features to GOLDHABER in order to further GOLDHABER.'s content/ads targeting scheme.

Claim 13. Day discloses calculating a separate score (targeting parameter) for a buyer entity in each of a plurality of categories (C4 l. 18-31) based on the amount purchased by the buyer entity in the respective category (C4 l. 17-31, "quantity"). It would have been obvious to one of ordinary skill in the art at the time the invention was made to add these features to GOLDHABER in order to further GOLDHABER's content/ads targeting scheme.

Claim 47. Day discloses receiving information on whether one of the buyer entities accepted the incentive (monitoring of redemption of offers and modifying offers based on that (C7 l.66- c8 l 30);

as to recalculating at least one of the scores for one of the buyer entities based on the buyer entity accepting the incentive, Day discloses at C4 l. 18-31, a calculated score based on buying in certain categories, (see claim 13). Day's disclosure monitoring of redemption of offers and modifying offers based on that new data (C7 l.66- c8 l. 30) is interpreted as the earlier score (based e.g. on category) being recalculated so that offers may be modified based on the new data. It would have been obvious to one of ordinary skill in the art at the time the invention was made to add these features to GOLDHABER in order to further GOLDHABER's content/ads targeting scheme.

Claim 48. Day discloses determining if the recalculated score qualifies said one of the buyer entities for an ongoing incentive (monitoring of redemption of offers+ modifying offers based on that, C7 l.66- c8 l 30). It would have been obvious to one of ordinary skill in the art at the time the invention was made to add these features to GOLDHABER in order to further GOLDHABER's content/ads targeting scheme.

Claim 49. Day implicitly discloses recalculating the incentive determined in said incentive providing step by applying said recalculated score of said one of the buyer entities to the incentive function or algorithm (monitoring of redemption of offers+ modifying offers based on that: C7 l.66- c8 l 30). It would have been obvious to one of ordinary skill in the art at the time the invention was made to add these features to GOLDHABER in order to further GOLDHABER's content/ads targeting scheme.

Claim 51. GOLDHABER discloses the plurality of incentives are provided across a plurality of distribution channels (C21 l. 1-19)

Claim 52. GOLDHABER discloses receiving information that one of the buyer entities visited a predetermined web site (complementing the profile by allowing tracking on-line behavior including on-line transactions and viewing habits : col 6 l. 50-65; C 7 l. 28-33; col 13-20). As to recalculating one of the scores of said one of the buyer entities to increase the score based on this visit, a score is interpreted as a targeting parameter. Since GOLDHABER teaches targeting based on updated profiles, based on in part on website visited, GOLDHABER is interpreted as implicitly teaching recalculating a score based on the updated data to improve targeting.

Claim 64. GOLDHABER discloses submitting a request to one of said buyer entities to provide a rating of a product or service only if the purchase record of the buyer entity shows a purchase of the product or service to be rated (rating of presented ads : col. 13 l. 50-51)

Apparatus Claims 94, 100-103, 137-139, 141-142, 154 which parallel method claims 1, 10-13, 47-49, 51-52, 64 are rejected on the same basis.

Claim 204 parallels claim 1 in program product format and is similarly rejected.

9. Claims 68 and 158 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldhaber in view of Weinblatt and Day and further in view of Dedrich, US 5717923, hereinafter Dedrich.

As to claim 68, calculating a charge for providing the incentive based on both the size of the group of buyer entities resulting from the search and the scores of the buyer entities, GOLDHABER discloses at C5 l. 21-30, demographic routing; at C8 l. 59-61 charging advertisers; at col 14 l. 30-46:matching of consumers to advertiser's criteria.

Dedrich discloses calculating a fee based on the scores of the buyers who were provided the incentive (col 5 l. 20-30, "consumer scale"; Fig 7b , especially item 218, and associated text,).

Thus claim 68 re. charging for providing the incentive to the targeted group is rejected on this basis.

Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to add the teachings of Dedrich to Goldhaber in order to provide a rational basis for charging advertisers.

Apparatus Claim 158, which parallels method claim 68 is rejected on the same basis.

10. Claim 206 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldhaber in view of Weinblatt and Day and further in view of admitted art.

206. (New)

The features of claim 206 common to the claims addressed above are rejected on the same basis.

Further, technology for customers to aggregate their POP's is admittedly known as an efficient way of gathering in one place one's transaction data (specifications paragraph [0152]: "Technology for such online retrieval and scanning of data from various accounts already exists"). Expressing consent by giving out passwords and usernames for a website to use one's account information is taught by GOLDHABER (complementing the profile by allowing tracking on-line behavior including on-line transactions (POP's) (col 6 l. 50-65; cols. 13-20; col 8 l 40-53: sharing of consumption content between private home pages and public pages with password access restrictions). Thus one would have known to add this technology and the

Art Unit: 3622

corresponding authorizing features as another efficient way of submitting purchase histories because of the admitted efficiency of this method of gathering data.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gardenswartz et al, US 6298330 B, discloses communicating with a computer based on the offline purchase history of a particular consumer, including interactive TV systems, at cols 6 and 7.

Kramer et al, US 6327574 B1 discloses

A system and method provide for the interpretation and augmenting of structured documents electronically delivered to an individual consumer's computer using consumer profiles developed from and maintained with information reflecting the consumer's online and offline transactions, by selecting the variable content alternatives encoded in the structured documents that most closely match the consumer's profile. The consumer profiles are logically controlled by the consumer's computer, thus providing for enhanced security over information that is personal and confidential to the consumer, yet still allowing third parties such as web sites and others electronically delivering structured documents to the consumer to have such documents customized based on the consumer's profile. The consumer profile includes hierarchical attribute vectors which encode attributes of a consumer at progressively higher levels of abstraction, and allowing for querying of any combination of abstracted data or

Art Unit: 3622

abstracted attributes of a consumer. The consumer profiles are updated with a process that reflects the relevance of each transaction to the consumer's profile, and accommodates a decay in the influence of transactions over time. A selection process for selecting content allows for multiple items of content to be selected for sequenced display to the consumer, through a limited presentation space. (Kramer also discloses use of interactive TV).

Other art cited in the previous Office Action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh H. Le whose telephone number is 703-305-0571. The Examiner works a part-time schedule and can normally be reached on Tuesday-Thursday 9:00-6:00.

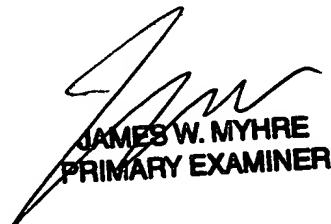
If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Eric Stamber can be reached on 703-305-8469. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

December 1, 2003



KHL



JAMES W. MYHRE
PRIMARY EXAMINER